

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANH VU NGUYEN,)
Petitioner,)
v.)
TIMOTHY WINGLER,)
Respondent.)
No. C08-1580RSL
ORDER OF REFE

Pursuant to 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(b)(3), and Local MJR 4, the Court hereby recommits the above-captioned matter to the Honorable Mary Alice Theiler, United States Magistrate Judge, for further consideration. In April 2009, petitioner notified the court that he intended to submit another petition for habeas corpus after reviewing respondent's answer. The amended petition was filed on or about May 29, 2009 (Dkt. # 27), two weeks after Judge Theiler submitted her Report and Recommendation to the undersigned. Because the original petition was not a model of clarity, the Report and Recommendation makes assumptions regarding the factual and legal grounds asserted by petitioner. The amended document is more complete and should obviate the need to speculate regarding the nature or basis of petitioner's grounds for relief.

The Court declines to adopt the Report and Recommendation submitted on May 15, 2009. The Magistrate Judge shall consider the amended petition for habeas corpus pursuant to 28 U.S.C. § 636(b)(1)(B).

ORDER OF REFERENCE

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2 DATED this 30th day of July, 2009.
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Robert S. Lasnik
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Robert S. Lasnik
United States District Judge